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11 Attorneys for Plaintiff
12 TRAVELERS COMMERCIAL
13 INSURANCE COMPANY

14 **UNITED STATES DISTRICT COURT**

15 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

16 TRAVELERS COMMERCIAL
17 INSURANCE COMPANY, a
18 Connecticut corporation,

19 Plaintiff,

20 v.

21 NEW YORK MARINE AND
22 GENERAL INSURANCE COMPANY, a New York corporation,

23 Defendants.

24 } Case No.: 2:21-cv-5832-GW (PDx)
25 } Hon. George H. Wu
26 } Hon. M.J. Patricia Donahue

27 } **DECLARATION OF MARK D.**
28 } **PETERSON IN SUPPORT OF**
29 } **REPLY OF PLAINTIFF**
30 } **TRAVELERS COMMERCIAL**
31 } **INSURANCE COMPANY ON**
32 } **MOTION TO CONSOLIDATE ITS**
33 } **ACTION WITH ACTION FILED**
34 } **BY DEFENDANT NEW YORK**
35 } **MARINE AND GENERAL**
36 } **INSURANCE COMPANY**
37 } **AGAINST INSURED**

38 } DATE: October 17, 2022
39 } TIME: 8:30 a.m.
40 } Courtroom: 9D

NEW YORK MARINE AND
GENERAL INSURANCE COMPANY,
a New York corporation,

Plaintiff,

v.

AMBER HEARD, an individual,

Defendant.

Case No. 2:22-cv-04685-GW (PDx)
Hon. George H. Wu
Hon. M.J. Patricia Donahue

REPLY ON MOTION TO CONSOLIDATE / DECLARATION OF MARK D.
PETERSON

1 I, MARK D. PETERSON, do hereby declare as follows:

2 1. I am an attorney admitted to practice in the State of California and
3 before this Court and I am a partner in the law firm of Cates Peterson LLP,
4 located in Newport Beach, California. I am the partner in charge of the
5 representation of Plaintiff Travelers Commercial Insurance Company
6 (“Travelers”) in the action filed against New York Marine and General Insurance
7 Company (“ProSight”), which is assigned Case No. 2:21-cv-5832-GM (PDx) (the
8 “First Action”). As a result, I have personal knowledge of the facts set forth in
9 this declaration and if called as a witness I could and would truthfully testify to
10 them.

11 2. I have reviewed the email that is attached as an exhibit to the
12 declaration of James P. Wagoner which opposes Travelers’ motion to consolidate
13 two actions pending in this Court (Dkt. 69-2). The email is from Kirk Pasich,
14 whom I understand to be counsel for the insured in the action filed by ProSight
15 against her. After I received this email on August 25, 2022, I had further email
16 communications with Mr. Pasich, concerning consolidation of the actions and
17 other issues. I did not copy Mr. Wagoner on those further communications. I
18 consider those communications with Mr. Pasich to be private so I am not attaching
19 them as an exhibit here. Thus, the statement in ProSight’s opposition and in the
20 declaration of its counsel that “Travelers has not responded to” this email is
21 wrong. (Opposition, p. 8, lines 19 -22; also at Declaration of James P. Wagoner,
22 p. 2, lines 26-26.) I did.

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1 3. The factual overlap in the two cases which are the subject to this
2 motion to consolidate has been illustrated recently by positions taken by two
3 attorneys for represent the insured. One of the insured's former defense attorneys,
4 Sean Roche, was scheduled to be deposed in the First Action (Case
5 No. 2:21-cv-5832-GW (PDx)). Mr. Roche cooperated with the scheduling, but he
6 put the parties on notice that he would likely object to sitting for another
7 deposition in the Second Action (Case No. 2:22-cv-04685 GW (PDx)). The
8 insured's personal counsel, Jeremiah Reynolds, likewise, has expressed opposition
9 to witnesses being deposed twice and he has pushed back on ProSight's request
10 that he sit for a deposition in the First Action prior to a ruling regarding
11 consolidation of the two actions. The deponents' positions are indicative of the
12 topical overlap in the two cases.

13 I declare under penalty of perjury that the foregoing is true and
14 correct. This declaration is made on September 30, 2022, at Newport Beach,
15 California.

/s/ Mark D. Peterson
Mark D. Peterson